IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

Bail Appl..No. 174 of 2007()

AGAINST THE ORDER IN LP.91/03 IN
CC.89/2003 of JUDL.MAG.OF FIRST CLASS-I,MANJERI
CRIME NO.204/97 OF AREACODE POLICE STATION.

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: PETITIONER/ACCUSED NO.2

ABDUL NASIR MUNDAMPRA,
S/O. IBRAHIM, MUNDAMPRA HOUSE,
AREACODE, MALAPPURAM DT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT: STATE

THE STATE OF KERALA, REP. BY
THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION,THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM,KOCHI-31.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.174 OF 2007

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DATED THIS THE 15th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the second accused in Crime No.204/97 of Areacode Police Station for offences punishable under sections 448, 353 and 506(i) read with section 34 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the J.F.C.M.-I, Manjeri where the case is pending as C.C.No.89/03, the case against the petitioner has been transferred to the long pending register as L.P.C.No.91/03. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of on merits, despite the non-bailable warrants of arrest pending and shall be disposed of preferably on the same date on which it is filed, taking note of the fact that all the offences are bailable offences.

V.RAMKUMAR, JUDGE

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